

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

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Case No. CIV-19-482-R

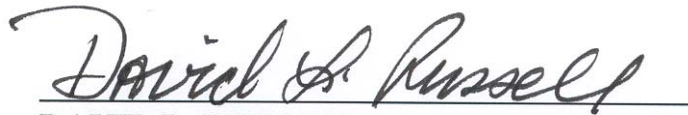
ORDER

On May 29, 2019, Magistrate Judge Jones, to whom this case was referred pursuant to 28 U.S.C. § 636(b)(1)(B) and (C) issued a Report and Recommendation wherein he recommended that Petitioner's case, which had been transferred here from the Northern District of California, be dismissed as a second or successive petition. (Doc. No. 9). The Report and Recommendation informed Petitioner that he had until June 19, 2019 in which to file an objection to the Report and Recommendation, and Petitioner did not file an objection thereto. He did file a "Consent to Proceed Before US Magistrate Judge" (Doc. No. 10) and a "Motion to File for Counsel" (Doc. No. 11). On June 26, 2019, having received no objection to the Report and Recommendation but having received the filings from Mr. Morgan that indicated he intended to continue to pursue his petition, the Court *sua sponte* granted an extension of time for Mr. Morgan to object to the Report and Recommendation. That extended time period has now lapsed without an objection from Petitioner or a request for an additional extension of time in which to object. Accordingly, the Court hereby DISMISSES this action as second or successive, because Petitioner does

not indicate that he received permission to file the petition. The Court further finds that it would not be in the interest of justice to transfer this action to the Tenth Circuit, as set forth in the Report and Recommendation.

For the reasons set forth herein, the Report and Recommendation is ADOPTED in its entirety and this action is DISMISSED FOR LACK OF JURISDICTION.

IT IS SO ORDERED this 16th day of July 2019.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE